



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10

1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

MAY 11 2016

OFFICE OF  
WATER AND WATERSHEDS

Ms. Wendy Wiles, Director  
Environmental Solutions Division  
Oregon Department of Environmental Quality  
811 S.W. Sixth Avenue  
Portland, Oregon 97204-1390

Re: New Expectations for EPA's Annual Review of Oregon's Nonpoint Source Management Program

Dear Ms. Wiles:

Section 319(h)(11) of the Clean Water Act requires States to report annually on progress under your EPA-approved nonpoint source (NPS) management program and EPA to establish whether you have made "satisfactory progress" each year implementing your NPS management program, prior to awarding Section 319 funds. Historically the focus of this review has been on the past year's performance. *For this year and beyond, we also will be projecting forward to EPA Region 10's review of the State's NPS program for the next year.* We will highlight a few areas in which we expect to see progress in your NPS management program, as a way of beginning our discussion with you on prioritizing NPS activities, addressing any weaknesses, tailoring your program to your State's needs and clarifying expectations.

The EPA has a statutory obligation under Clean Water Act §319(h)(8) to determine that States make satisfactory progress in meeting the schedule of relevant annual milestones specified in their NPS management programs. EPA is prohibited from awarding grants under §319(h) in the absence of such a determination. This was one of the essential reasons that EPA required NPS management programs be updated and kept current – so that program objectives and milestones are relevant for each grant period. Having an updated NPS management program will be an essential foundation for a finding of satisfactory progress and we thank you for updating your programs.

The State/EPA Clean Water Act §319 (§319) Program Reform Workgroup recommended that EPA broaden the accountability process to encompass other aspects of §319 grant performance in keeping with EPA's responsibility to ensure accountability for the management of § 319(h) grant funds and to improve NPS management. EPA is authorized by §319(h)(10), as well as under its grant making authority, to request information needed to determine grant eligibility and performance. In fiscal year 2012, the EPA provided a national framework and standardized template for conducting these annual performance and progress determinations that encompass the requirement under §319(h)(8), and grant

performance under §319(h). This document is called the *Guidance and Checklist for Determining Progress of State NPS Management Programs and Performance of CWA Section 319 Grants*.

The checklist is designed to document the extent to which each state meets foundational aspects of program progress and §319 grant management requirements, including those specified in binding §319 grant guidelines (available at [www.epa.gov/nps/319](http://www.epa.gov/nps/319)). These aspects are assessed as a whole in making a determination, with each response constituting information, or a line of evidence, that will lead toward a decision based on the Region's best professional judgment.

To complete the checklist, EPA Region 10 uses several documents, including your NPS management plan, grant workplans, Partnership Performance Agreements (PPAs), NPS annual report, and GRTS reporting. In addition to completing the checklist, we develop a letter that includes a summary of any significant concerns and how these concerns may be addressed. We then send this letter and the completed checklist to you. By projecting forward the areas we will focus our review in the upcoming year, we intend to be more transparent about the review criteria on which we will base our satisfactory progress determination.

We look forward to working with you on the priorities for your NPS program during the upcoming year. Should you have any questions regarding this letter, feel free to call me at (206) 553-1855 or your staff may contact Alan Henning at (541) 687-7360.

Sincerely,



Daniel D. Opalski, Director  
Office of Water and Watersheds

cc: Mr. Eugene Foster, Watershed Management Section Manager, ODEQ (via email)  
Mr. Ivan Camacho, 319 Grants Program Coordinator, ODEQ (via email)